

May 27, 2004

RECEIVED

VIA HAND DELIVERY

MAY 27 2004

Beth O'Donnell
Executive Director
Kentucky Public Service Commission
211 Sower Blvd.
Frankfort, KY 40602-0615

**PUBLIC SERVICE
COMMISSION**

RE: Response to Notice of Filing Deficiencies
PSC Case No. 2004-00186

Dear Director O'Donnell:

This correspondence is provided to address the filing deficiencies cited in your letter dated May 26, 2004 in reference to my clients' Application for Certificate of Public Convenience and Necessity for Construction of a Wireless Communications Facility.

In reference to deficiencies numbered 1, 3, 4, and 5, please refer to the information and replacement exhibits included in the Notice of First Amendment filed with the Commission in this case on May 20, 2004. I have attached a copy of this Notice for your reference and request that the Commission enter all necessary docket entries or Orders to amend said Application as requested therein.

In reference to deficiency number 2, which deficiency was not fully addressed in the Notice of First Amendment, I have attached a list of all property owners who have been provided with certified mail notice pursuant to 807 KAR 5:001 §2(1)(m), along with a copy of the notice letter sent to all such addressees and a copy of certified mailing receipts postmarked with the mailing date of May 19, 2004.



Please file this correspondence and all attachments in the administrative case for this Application.

Sincerely,

A handwritten signature in black ink, appearing to read "David A. Pike". The signature is fluid and cursive, with the first name "David" being the most prominent.

David A. Pike
Attorney for BellSouth Personal
Communications, LLC and BellSouth Mobility,
LLC, d/b/a Cingular Wireless – Kentucky

Enclosures

**COPY OF NOTICE
OF FIRST AMENDMENT**

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION **RECEIVED**

In the Matter of:

MAY 20 2004

THE APPLICATION OF BELLSOUTH PERSONAL)
COMMUNICATIONS, LLC AND)
BELLSOUTH MOBILITY, LLC,)
D/B/A CINGULAR WIRELESS - KENTUCKY)
FOR ISSUANCE OF A CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY TO CONSTRUCT)
A WIRELESS COMMUNICATIONS FACILITY AT)
1365 WINSTON ROAD, IRVINE, KY 40336)
IN THE WIRELESS COMMUNICATIONS LICENSE AREA)
IN THE COMMONWEALTH OF KENTUCKY)
IN THE COUNTY OF ESTILL)

PUBLIC SERVICE
COMMISSION

CASE NO.: 2004-00186

COPY

SITE NAME: WINSTON

**NOTICE OF FIRST AMENDMENT TO APPLICATION FOR
CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY
FOR CONSTRUCTION OF A WIRELESS COMMUNICATIONS FACILITY**

(CORRECTION TO NOTICE EXHIBITS)

Come BellSouth Personal Communications, LLC and BellSouth Mobility, LLC, d/b/a Cingular Wireless – Kentucky (hereinafter referred to collectively as “Applicant”), by counsel, and for this Notice of First Amendment state as follows:

1. Applicant filed an Application for Certificate of Public Convenience and Necessity with the Commission on May 19, 2004.
2. Said Application included copies of notice letters and notice signs which, through inadvertence, omitted the Commission’s assigned docket number for this case.
3. All original notice letters mailed on May 19, 2004 to every person who, according to the records of the County Property Valuation Administrator, owns property which is within 500 feet of the proposed tower or contiguous to the site property, by

certified mail, return receipt requested, included proper reference to the Commission's assigned docket number for this case.

4. **Exhibit L** to the Application is amended so as to replace the existing **Exhibit L** with the attached "**Replacement Exhibit L**," being a corrected notice letter accurately illustrating the notice provided and including the proper docket number reference.

5. The original notice letter mailed on May 19, 2004 to the Estill County Judge/Executive, by certified mail, return receipt requested, included proper reference to the Commission's assigned docket number for this case.

6. **Exhibit M** to the Application is amended so as to replace the existing **Exhibit M** with the attached "**Replacement Exhibit M**," being a corrected notice letter accurately illustrating the notice provided and including the proper docket number reference.

7. The two notice signs posted in a visible location on the proposed site and on the nearest public road include reference to the Commission's assigned docket number for this case.

8. **Exhibit N** to the Application is amended so as to replace the existing **Exhibit N** with the attached "**Replacement Exhibit N**," being a corrected recitation of the notice sign text that accurately illustrates the notice provided and includes the proper docket number reference.

9. All other provisions of remainder of the original Application remain unchanged.

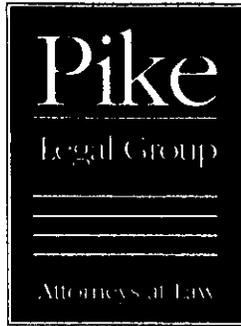
WHEREFORE, Applicant, by counsel, respectfully request that the Commission enter all necessary notations or Orders to give effect to this Notice of First Amendment of Application.

Respectfully submitted,



David A. Pike
Pike Legal Group, PLLC
1578 Highway 44 East, Suite 6
P. O. Box 369
Shepherdsville, KY 40165-0369
Telephone: (502) 955-4400
Telefax: (502) 543-4410
Attorney for BellSouth Personal Communications, LLC
and
BellSouth Mobility, LLC,
d/b/a Cingular Wireless – Kentucky

**REPLACEMENT EXHIBIT L
COPY OF PROPERTY OWNER NOTIFICATION**



Notice of Proposed Construction Wireless Communications Facility Proposal

Dear Landowner:

BellSouth Mobility, LLC, d/b/a Cingular Wireless-Kentucky and BellSouth Personal Communications, LLC have filed an application with the Kentucky Public Service Commission ("PSC") to construct a new wireless communications facility on a site located at 1365 Winston Road, Irvine, Kentucky 40336. The proposed facility will include a 190-foot tall guyed tower, plus related ground facilities. This facility is needed to provide improved coverage for wireless communications in the area.

This notice is being sent to you because the Estill County Property Valuation Administrator's records indicate that you own property that is within a 500' radius of the proposed tower site or contiguous to the property on which the tower is to be constructed. You have a right to submit testimony to the Kentucky Public Service Commission ("PSC"), either in writing or to request intervention in the PSC's proceedings on the application. You may contact the PSC for additional information concerning this matter at: Kentucky Public Service Commission, Executive Director, 211 Sower Boulevard, P.O. Box 615, Frankfort, Kentucky 40602.

Please refer to docket number 2004-00186 in any correspondence sent in connection with this matter.

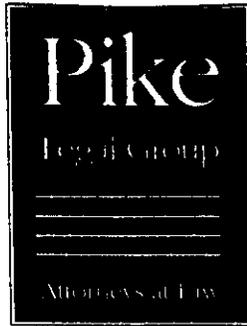
I have attached a map showing the site location for the proposed tower. Cingular's radio frequency engineers assisted in selecting the proposed site for the facility, and they have determined it is the proper location and elevation needed to provide quality service to wireless customers in the area. Please feel free to contact me toll free at (800) 516-4293 if you have any comments or questions about this proposal.

Sincerely,
David A. Pike
Attorney for BellSouth Mobility LLC,
d/b/a Cingular Wireless-Kentucky

Enclosure



**REPLACEMENT EXHIBIT M
COPY OF COUNTY JUDGE/EXECUTIVE NOTICE**



May 19, 2004

VIA CERTIFIED U.S. MAIL

Estill County Judge/Executive
Courthouse
130 Main Street
Irvine, KY 40336

RE: Notice of Proposal to Construct Wireless Communications Facility
Kentucky Public Service Commission Docket No. 2004-00186

Dear Judge/Executive:

BellSouth Personal Communications, LLC and BellSouth Mobility, LLC, d/b/a Cingular Wireless – Kentucky ("Cingular") have filed an application with the Kentucky Public Service Commission (the "PSC") to construct a new wireless communications facility at 1365 Winston Road, Irvine, Kentucky 40336 (37° 42' 43.37" North latitude, 84° 05' 16.97" West longitude). The proposed facility will include a 190-foot tall guyed antenna tower, plus related ground facilities. This facility is needed to provide improved coverage for wireless communications in the area.

You have a right to submit comments to the PSC or to request intervention in the PSC's proceedings on the application. You may contact the PSC at the following address:

Executive Director, Public Service Commission
211 Sower Boulevard
P.O. Box 615
Frankfort, Kentucky 40602.

Please refer to docket number 2004-00186 in any correspondence sent in connection with this matter.

I have attached a map showing the site location for the proposed tower. Cingular's radio frequency engineers assisted in selecting the proposed site for the facility, and they have determined it is the proper location and elevation needed to provide quality service to wireless customers in the area.



Please feel free to contact me with any comments or questions you may have.

Sincerely,

A handwritten signature in black ink, appearing to read "David A. Pike". The signature is fluid and cursive, with the first name "David" being the most prominent.

David A. Pike
Pike Legal Group, PLLC
Attorney for BellSouth Personal Communications,
LLC and BellSouth Mobility, LLC, d/b/a Cingular
Wireless – Kentucky

Enclosure

**REPLACEMENT EXHIBIT N
COPY OF POSTED NOTICES**

NOTICE SIGNS

Two notice signs two (2) feet by four (4) feet in size, with the following text printed in black against a white background:

BellSouth Mobility, LLC d/b/a Cingular Wireless, proposes to build a telecommunications **tower** on this site. If you have questions, please contact Pike Legal Group, PLLC, P.O. Box 369, Shepherdsville, KY 40165. (800) 516-4293, or the Executive Director, Public Service Commission, 211 Sower Boulevard, PO Box 615, Frankfort, Kentucky 40602. Please refer to docket number 2004-00186 in your correspondence.

BellSouth Mobility, LLC d/b/a Cingular Wireless, proposes to build a telecommunications **tower** near this site. If you have questions, please contact Pike Legal Group, PLLC, P.O. Box 369, Shepherdsville, KY 40165 (800) 516-4293, or the Executive Director, Public Service Commission, 211 Sower Boulevard, PO Box 615, Frankfort, Kentucky 40602. Please refer to docket number 2004-00186 in your correspondence.

The text in bold on each sign is printed in letters at least four (4) inches high.

**COPY OF PROPERTY OWNER LIST,
NOTICE LETTER AND CERTIFIED MAIL
RECEIPTS**

WINSTON LANDOWNER NOTICE LISTING

Susan K. Hardy
General Delivery
Winston, KY 40495

Jerry & Jessie Rose
4655 New Irvine Rd.
Waco, KY 40385

Charles Earl Estes and Johnny Estes
10525 N.E. 81st St.
Gainesville, FL 32609

Paul E. & Brenda Dennis
1384 Winston Road
Irvine, KY 40336

Donna Marcum
75 Fred Lane
Winston, KY 40495

Wesley N. Rose
270 Winston Road
Irvine, KY 40336

Donald R. & Gail Hardy
4245 Richmond Road
Irvine, KY 40336

Bobby Napier
910 Blue Run Road
Irvine, KY 40336

Linda Sue Hardy
60 Trotting Ridge Road
Irvine, KY 40336

James B. & Hazel Long
2221 Trotting Ridge Road
Irvine, KY 40336

Claude & Barbara Rose
1920 Trotting Ridge Road
Irvine, KY 40336

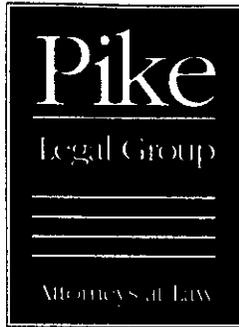
Zula Ball
3128 Pleasant Avenue
Hamilton, OH 45015

Mrs. W.T. Agnes Pearson
1410 Winston Road
Irvine, KY 40336

Paul Bradley & Jenny C. Dennis
1384 Winston Road
Irvine, KY 40336

Drew & Amy Tuggle
15 Forest Hill Dr.
Irvine, KY 40336

Claude Staton et al
3861 Stillwell-Becket Rd.
Oxford, OH 45056



Notice of Proposed Construction Wireless Communications Facility Proposal

Dear Landowner:

BellSouth Mobility, LLC, d/b/a Cingular Wireless-Kentucky and BellSouth Personal Communications, LLC have filed an application with the Kentucky Public Service Commission ("PSC") to construct a new wireless communications facility on a site located at 1365 Winston Road, Irvine, Kentucky 40336. The proposed facility will include a 190-foot tall guyed tower, plus related ground facilities. This facility is needed to provide improved coverage for wireless communications in the area.

This notice is being sent to you because the Estill County Property Valuation Administrator's records indicate that you own property that is within a 500' radius of the proposed tower site or contiguous to the property on which the tower is to be constructed. You have a right to submit testimony to the Kentucky Public Service Commission ("PSC"), either in writing or to request intervention in the PSC's proceedings on the application. You may contact the PSC for additional information concerning this matter at: Kentucky Public Service Commission, Executive Director, 211 Sower Boulevard, P.O. Box 615, Frankfort, Kentucky 40602.

Please refer to docket number 2004-00186 in any correspondence sent in connection with this matter.

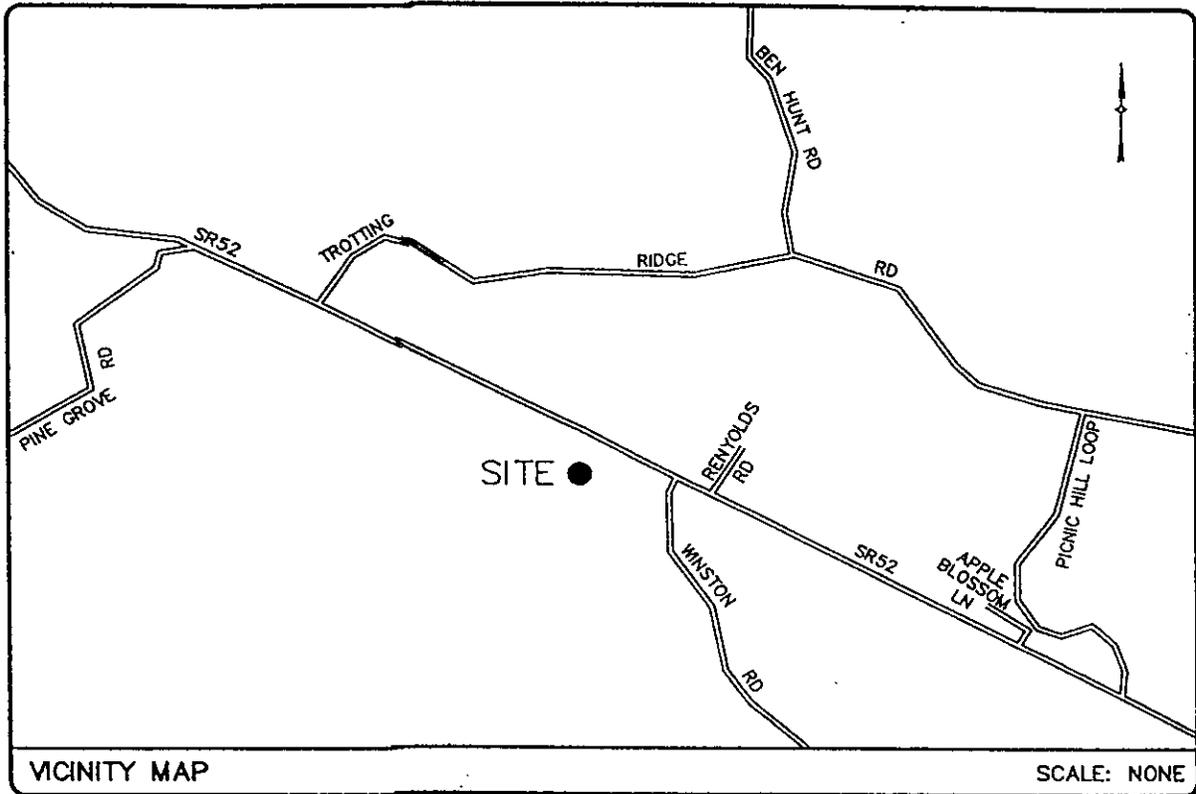
I have attached a map showing the site location for the proposed tower. Cingular's radio frequency engineers assisted in selecting the proposed site for the facility, and they have determined it is the proper location and elevation needed to provide quality service to wireless customers in the area. Please feel free to contact me toll free at (800) 516-4293 if you have any comments or questions about this proposal.

Sincerely,
David A. Pike
Attorney for BellSouth Mobility LLC,
d/b/a Cingular Wireless-Kentucky

Enclosure



Location of Proposed Cingular Wireless "Winston" Site



DIRECTIONS FROM COUNTY SEAT:

FROM IRVINE, TAKE SR 52 WEST APPROX 6.5 MILES TO WINSTON RD. TURN LEFT ON WINSTON ROAD. SITE IS LOCATED ON THE FIRST PROPERTY TO THE RIGHT.

DIRECTIONS FROM LOUISVILLE:

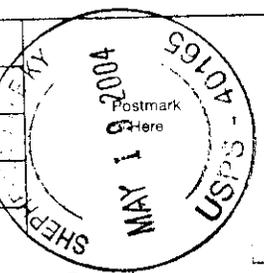
FROM LOUISVILLE, TAKE I-64 EAST 69 MILES TO I-75 SOUTH. TAKE I-75 SOUTH 21 MILES TO STATE ROAD 876 (EXIT 90). TURN LEFT ONTO STATE ROAD 876 GO 4 MILES TO STATE ROAD 52. TURN LEFT AND CONTINUE ON STATE ROAD 52 FOR 11 MILES TO WINSTON ROAD. TURN RIGHT ON WINSTON ROAD. SITE IS LOCATED ON THE FIRST PROPERTY TO THE RIGHT.

DIRECTIONS TO SITE

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

7000 0600 0027 9597 9212

Postage	\$.37
Certified Fee	2.30
Return Receipt Fee (Endorsement Required)	1.75
Restricted Delivery Fee (Endorsement Required)	
Total Postage	4.42



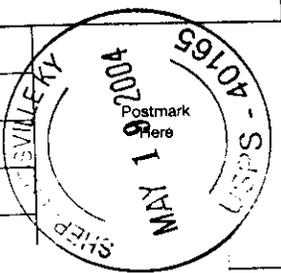
Recipient's Address
 Paul Bradley & Jenny C. Dennis
 1384 Winston Road
 Irvine, KY 40336

PS Form 3800

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

7000 0600 0027 9597 9243

Postage	\$.37
Certified Fee	2.30
Return Receipt Fee (Endorsement Required)	1.75
Restricted Delivery Fee (Endorsement Required)	
Total Postage	4.42



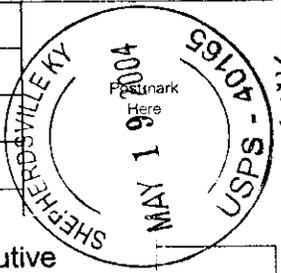
Recipient's Address
 Jerry & Jessie Rose
 4655 New Irvine Rd.
 Waco, KY 40385

PS Form 3800

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

7000 0600 0027 9597 9335

Postage	\$.37
Certified Fee	2.30
Return Receipt Fee (Endorsement Required)	1.75
Restricted Delivery Fee (Endorsement Required)	
Total Postage	4.42

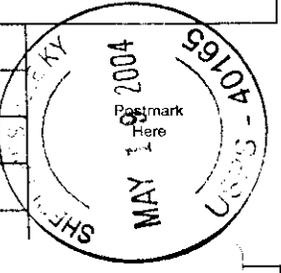


Recipient's Address
 Estill County Judge/Executive
 Courthouse
 130 Main Street
 Irvine, KY 40336

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

7000 0600 0027 9597 9151

Postage	\$.37
Certified Fee	2.30
Return Receipt Fee (Endorsement Required)	1.75
Restricted Delivery Fee (Endorsement Required)	
Total Postage	4.42



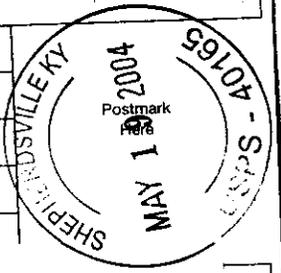
Recipient's Address
 Donna Marcum
 75 Fred Lane
 Winston, KY 40495

PS Form 3800

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

7000 0600 0027 9597 9250

Postage	\$.37
Certified Fee	2.30
Return Receipt Fee (Endorsement Required)	1.75
Restricted Delivery Fee (Endorsement Required)	
Total Postage	4.42



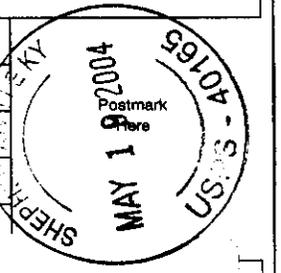
Recipient's Address
 Paul E. & Brenda Dennis
 1384 Winston Road
 Irvine, KY 40336

PS Form 3800

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

7000 0600 0027 9597 9205

Postage	\$.37
Certified Fee	2.30
Return Receipt Fee (Endorsement Required)	1.75
Restricted Delivery Fee (Endorsement Required)	
Total Postage	4.42



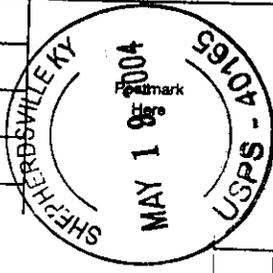
Recipient's Address
 Mrs. W.T. Agnes Pearson
 1410 Winston Road
 Irvine, KY 40336

PS Form 3800

U.S. Postal Service
CERTIFIED MAIL RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

7000 0600 0027 9597 9274

Postage	\$.37
Certified Fee	2.30
Return Receipt Fee (Endorsement Required)	1.75
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	4.42

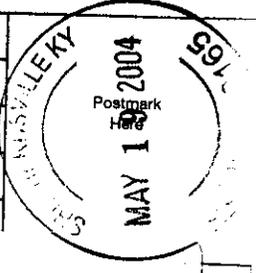


Recipient: Bobby Napier
 Street, Apt: 910 Blue Run Road
 City, State: Irvine, KY 40336

U.S. Postal Service
CERTIFIED MAIL RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

7000 0600 0027 9597 9199

Postage	\$.37
Certified Fee	2.30
Return Receipt Fee (Endorsement Required)	1.75
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	4.42

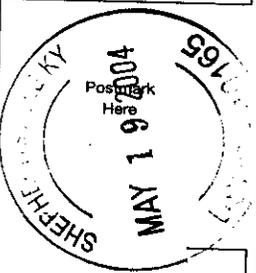


Recipient: Zula Ball
 Street, Apt: 3128 Pleasant Avenue
 City, State: Hamilton, OH 45015

U.S. Postal Service
CERTIFIED MAIL RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

7000 0600 0027 9597 9168

Postage	\$.37
Certified Fee	2.30
Return Receipt Fee (Endorsement Required)	1.75
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	4.42

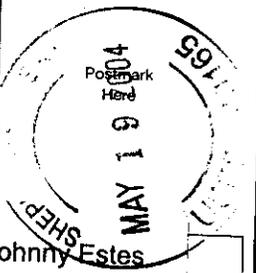


Recipient: Donald R. & Gail Hardy
 Street, Apt: 4245 Richmond Road
 City, State: Irvine, KY 40336

U.S. Postal Service
CERTIFIED MAIL RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

7000 0600 0027 9597 9144

Postage	\$.37
Certified Fee	2.30
Return Receipt Fee (Endorsement Required)	1.75
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	4.42



Recipient: Charles Earl Estes and Johnny Estes
 Street, Apt: 10525 N.E. 81st St.
 City, State: Gainesville, FL 32609

U.S. Postal Service
CERTIFIED MAIL RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

7000 0600 0027 9597 9267

Postage	\$.37
Certified Fee	2.30
Return Receipt Fee (Endorsement Required)	1.75
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	4.42

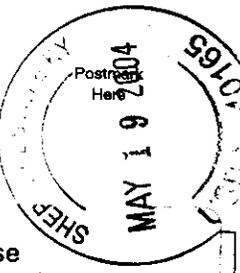


Recipient's: Wesley N. Rose
 Street, Apt: 270 Winston Road
 City, State: Irvine, KY 40336

U.S. Postal Service
CERTIFIED MAIL RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

7000 0600 0027 9597 9182

Postage	\$.37
Certified Fee	2.30
Return Receipt Fee (Endorsement Required)	1.75
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	4.42



Recipient's Name: Claude & Barbara Rose
 Street, Apt. No: 1920 Trotting Ridge Road
 City, State, ZIP: Irvine, KY 40336

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

7000 0600 0027 9597 9236

Postage	\$.37	
Certified Fee	2.30	
Return Receipt Fee (Endorsement Required)	1.75	
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	4.42	

Postmark Here

Recipient's
 Claude Staton et al
 Street, Apt. 1 3861 Stillwell-Becket Rd.
 City, State, Z Oxford, OH 45056

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

7000 0600 0027 9597 9229

Postage	\$.37	
Certified Fee	2.30	
Return Receipt Fee (Endorsement Required)	1.75	
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	4.42	

Postmark Here

Recipient's
 Drew & Amy Tuggle
 Street, Apt. 15 Forest Hill Dr.
 City, State, Irvine, KY 40336

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

7000 0600 0027 9597 9175

Postage	\$.37	
Certified Fee	2.30	
Return Receipt Fee (Endorsement Required)	1.75	
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	4.42	

Postmark Here

Recipient
 Linda Sue Hardy
 Street, Ap 60 Trotting Ridge Road
 City, State Irvine, KY 40336

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

7000 0600 0027 9597 9281

Postage	\$.37	
Certified Fee	2.30	
Return Receipt Fee (Endorsement Required)	1.75	
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	4.42	

Postmark Here

Recipient
 James B. & Hazel Long
 Street, Z 2221 Trotting Ridge Road
 City, Sta Irvine, KY 40336

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

7000 0600 0027 9597 9137

Postage	\$.37	
Certified Fee	2.30	
Return Receipt Fee (Endorsement Required)	1.75	
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	4.42	

Postmark Here

Recipient
 Susan K. Hardy
 Street, Z General Delivery
 City, Sta Winston, KY 40495